

AF/GAU/1816
RESPONSE UNDER RULE 312
EXPEDITED HANDLING PROCEDURES

In re Patent Application of

CROWE et al

Serial No. 08/378,939

Filed: January 26, 1995

Title: PRODUCTION OF ANTIBODIES

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

PETITION UNDER 37 CFR 3.81(b)

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

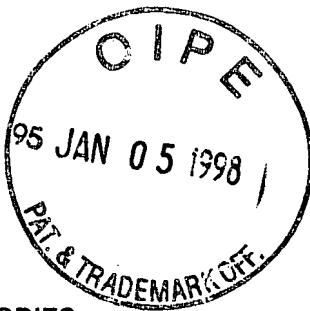
| | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------------------|---|-----------|
| Total effective claims after amendment | 0 | minus highest number | | |
| previously paid for | 0 | (at least 20) = | 0 | \$ 0.00 |
| Independent claims after amendment | 0 | minus highest number | | |
| previously paid for | 0 | (at least 3) = | 0 | \$ 0.00 |
| If proper multiple dependent claims now added for first time, add \$270 (ignore improper) | | | | \$ 0.00 |
| Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110 /1 month; \$400 /2 months; \$950 /3 months) | | | | \$ 0.00 |
| Terminal disclaimer enclosed, add \$110 | | | | \$ 0.00 |
| First submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790) | | | | \$ 0.00 |
| Second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790) | | | | \$ 0.00 |
| | | SUBTOTAL | | \$ 0.00 |
| If "small entity," then enter half (1/2) of subtotal and subtract | | | | -\$ 0.00 |
| <input type="checkbox"/> Statement filed herewith | | | | |
| Rule 56 Information Disclosure Statement Filing Fee (\$240) | | | | \$ 0.00 |
| Petition Fee | \$130 | | | \$ 130.00 |
| | | TOTAL FEE ENCLOSED | | \$ 130.00 |

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.01/08/1998 ERUR12 0000027 08378939
01 FC:122 130.00 DP1100 North Glebe Road
8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJW:tat

NIXON & VANDERHYE P.C.

By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

Correspondence
BOX AF

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J.G.J.
2/3/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


**RESPONSE UNDER RULE 312
EXPEDITED HANDLING PROCEDURES**

Atty Dkt.: 1430-93
C# M#

Group Art Unit: 1816

Examiner: Eisenschenk, C.

Date: January 5, 1998

*Correspondence
BOX AF*

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In re Patent Application of

CROWE et al

Serial No. 08/378,939

Filed: January 26, 1995

Title: PRODUCTION OF ANTIBODIES

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

SUBMISSION AND PETITION UNDER RULE 312

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

| | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------------------------|---|-----------|
| Total effective claims after amendment | 0 | minus highest number | | |
| previously paid for | 0 | (at least 20) = | 0 | \$ 0.00 |
| Independent claims after amendment | 0 | minus highest number | | |
| previously paid for | 0 | (at least 3) = | 0 | \$ 0.00 |
| If proper multiple dependent claims now added for first time, add \$270 (ignore improper) | | | | \$ 0.00 |
| Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110 /1 month; \$400 /2 months; \$950 /3 months) | | | | \$ 0.00 |
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| First submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790) | | | | \$ 0.00 |
| Second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790) | | | | \$ 0.00 |
| | | SUBTOTAL | | \$ 0.00 |
| If "small entity," then enter half (1/2) of subtotal and subtract | | | | -\$ 0.00 |
| <input type="checkbox"/> Statement filed herewith | | | | |
| Rule 56 Information Disclosure Statement Filing Fee (\$240) | | | | \$ 0.00 |
| Petition Fee | \$130 | | | \$ 130.00 |
| | | TOTAL FEE ENCLOSED | | \$ 130.00 |

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.
 01/05/1998 EXR12 0000026 0837893
 01 FEB 12 Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road
8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJW:tat

NIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF Atty. Ref.: 1430-93

CROWE et al

Allowed: August 21, 1997

Serial No.: 08/378,989 Batch No.: Q79

Filed: January 26, 1995 Group Art Unit: 1816

For: PRODUCTION OF Examiner: Eisenschenk, C.
ANTIBODIES



* * * * * January 5, 1998

PETITION UNDER 37 CFR 3.81(b)

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

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Sir:

Submitted concurrently herewith for recordation is an Assignment from Applicants to Burroughs Wellcome Co. and a Change of Name from Burrough's Wellcome Co. to Glaxo Wellcome Inc. (copies of the Assignment and Change of Name are attached). Assignee hereby petitions for issuance of the patent in the name of Glaxo Wellcome Inc. The requisite fee set forth in §1.17(i) is submitted herewith.

Respectfully submitted,

NIXON & VANDERHYE, P.C.

By Mary J. Wilson
Mary J. Wilson
Reg. No. 32,955

MJW:tat

1100 North Glebe Road
8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Respectfully submitted,

NIXON & VANDERHYE, P.C.

By Mary J. Wilson
Mary J. Wilson
Reg. No. 32,955

MJW:tat

1100 North Glebe Road
8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

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RUFUS L EDMISTEN
SECRETARY OF STATE
NORTH CAROLINA

55303-102



ARTICLES OF AMENDMENT
OF
THE ARTICLES OF INCORPORATION
OF
BURROUGHS WELLCOME CO.

Pursuant to Section 55-10-06 of the North Carolina General Business Corporation Act, Burroughs Wellcome Co., a corporation organized under the laws of the State of North Carolina (the "Corporation"), hereby submits these Articles of Amendment for the purpose of amending the Articles of Incorporation of the Corporation:

1. The name of the Corporation is Burroughs Wellcome Co.
2. The following amendment to the Articles of Incorporation of the Corporation was adopted by its shareholders on the 10th day of October, 1995, in the manner prescribed by law:

Article I is hereby amended by deleting its text in its entirety and substituting in lieu thereof the following:

"The name of the corporation is Glaxo Wellcome Inc."

3. These Articles of Amendment shall become effective at 11:59 p.m. on October 31, 1995.

This the 30th day of October, 1995.

BURROUGHS WELLCOME CO.

By: Robert A. Ingram
Name: Robert A. Ingram
Title: President and Chairman

STATE OF NORTH CAROLINA



Department of The
Secretary of State

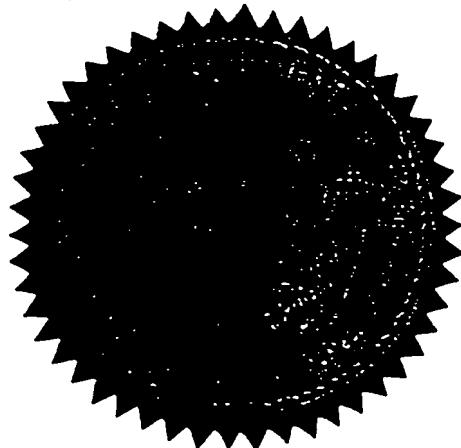
To all whom these presents shall come, Greetings:

I, Rufus L. Edmisten, Secretary of State of the State of
North Carolina, do hereby certify the following and hereto
attached to be a true copy of

ARTICLES OF AMENDMENT
OF
BURROUGHS WELLCOME CO.
name changed to:
GLAXO WELLCOME INC.

*the original of which is now on file and a matter of record in
this office.*

*IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my official seal at the City of
Raleigh, this 5th day of January, 1996.*



Rufus L. Edmisten

Secretary of State



RECORDATION FORM COVER SHEET

PATENTS ONLY

Our Ref.: 1430-93

Commissioner of Patents and Trademarks
Box Assignment, Washington, D.C. 20231

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name of conveying party(ies): BURROUGHS WELLCOME CO. | 2. Name and address of receiving party(ies): Name: <u>GLAXO WELLCOME INC.</u> Internal _____ Address: _____ Street Address: <u>3030 Cornwallis Road</u> City: <u>Research Triangle Park</u> State/Country <u>North Carolina</u> Zip: <u>27709-4416</u> |
| Additional name/s of conveying party/ies attached? <input type="checkbox"/> | Additional name/s & address/es attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Nature of conveyance: <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Assignment <input checked="" type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ | Execution Date: <u>October 31, 1995</u> |
| 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ | A. Patent Application No(s). (1) <u>08/378,939</u> (2) (3) |
| B. (1) (2) (3) | |
| Additional numbers attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Mary J. Wilson</u> Internal Address: _____ Street Address: <u>Nixon & Vanderhye P.C.</u> <u>1100 North Glebe Road</u> <u>8th Floor</u> City: <u>Arlington</u> State: <u>VA</u> Zip: <u>22201</u> | 6. Total number of applications & patents involved: <u>1</u> 7. Total fee (37 CFR 3.41) \$ <u>40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account #14-1140 |
| 8. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our Account No. <u>14-1140</u> . | |

DO NOT USE THIS SPACE

9. Statements and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mary J. Wilson

Name of Person Signing
Reg. No. 32,955

Mary J. Wilson

Signature

January 5, 1998

Date

Total number of pages including original cover sheet, attachments, and document:

[3]

Assignor name and address

Alan P. LEWIS
c/o Glaxo Wellcome plc, Gunnels Wood Road,
STEVENAGE, Herts. SG1 2NY United Kingdom

1st DECEMBER 1997

Date

STEVENAGE, HERTS, UK

Where signed

Signature



Assignor name and address

Date

Where signed

Signature

ASSIGNMENT

WHEREAS, I (we), James S. CROWE Alan P. LEWIS
 whose post office address(es) appear(s) below, hereinafter referred to as ASSIGNOR, have invented certain new and useful improvements in ... Production of Antibodies.....

for which an application for United States Letters Patent was

- [] executed on even date herewith;
- [] executed on _____;
- [] filed on _____, Serial No. _____;
- filed as International Application No. PCT/GB92/01282 on 14 July 1992

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and WHEREAS,
 Burroughs Wellcome Co.

whose post office address is 3030 Cornwallis Road, Research Triangle Park, North Carolina 27709-4416, USA hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in and to the same in the United States;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, I (we), ASSIGNOR, by these presents do sell, assign and transfer unto said ASSIGNEE, the entire right, title, and interest in and to said invention and application throughout the United States of America, including any and all Letters Patent granted on any division, continuation, continuation-in-part and reissue of said application.

ALSO, ASSIGNOR hereby agrees to execute any documents that legally may be required in connection with the filing, prosecution and maintenance of said application or any other patent application(s) in the United States for said invention, including additional documents that may be required to affirm the rights of ASSIGNEE in and to said invention, all without further consideration. ASSIGNOR also agrees, without further consideration and at ASSIGNEE'S expense, to identify and communicate to ASSIGNEE at ASSIGNEE's request documents and information concerning the invention that are within ASSIGNOR'S possession or control, and to provide further assurances and testimony on behalf of ASSIGNEE that lawfully may be required of ASSIGNOR in respect of the prosecution, maintenance and defense of any patent application or patent encompassed within the terms of this instrument. ASSIGNOR'S obligations under this instrument shall extend to ASSIGNOR'S heirs, executors, administrators and other legal representatives.

ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all Letters Patent referred to above to ASSIGNEE, as the ASSIGNEE of the entire right, title and interest in and to the same, for ASSIGNEE'S sole use and behoof; and for the use and behoof of ASSIGNEE'S legal representatives and successors, to the full end of the term for which such Letters Patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR had this assignment and sale not been made.

Assignor name and address

James S. CROWE
 c/o Glaxo Wellcome plc, Gunnels Wood Road,
 STEVENAGE, Herts. SG1 2NY United Kingdom

Date _____

Where signed _____

Signature _____

Assignor name and address

Alan P. LEWIS
c/o Glaxo Wellcome plc, Gunnels Wood Road,
STEVENAGE, Herts. SG1 2NY United Kingdom

Date _____

Where signed _____

Signature _____

Assignor name and address

Date _____

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Where signed _____

Signature _____

Assignor name and address

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Where signed _____

Signature _____

ASSIGNMENT

WHEREAS, I (we), James S. CROWE Alan P. LEWIS
 whose post office address(es) appear(s) below, hereinafter referred to as ASSIGNEE, have invented certain new and useful improvements in ... Production of Antibodies.....

for which an application for United States Letters Patent was

- [] executed on even date herewith;
- [] executed on _____;
- [] filed on _____, Serial No. _____;
- filed as International Application No. PCT/GB92/01282 on 14 July 1992

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and WHEREAS,

Burroughs Wellcome Co.

whose post office address is 3030 Cornwallis Road, Research Triangle Park, North Carolina 27709-4416, USA hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in and to the same in the United States;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, I (we), ASSIGNEE, by these presents do sell, assign and transfer unto said ASSIGNEE, the entire right, title, and interest in and to said invention and application throughout the United States of America, including any and all Letters Patent granted on any division, continuation, continuation-in-part and reissue of said application.

ALSO, ASSIGNEE hereby agrees to execute any documents that legally may be required in connection with the filing, prosecution and maintenance of said application or any other patent application(s) in the United States for said invention, including additional documents that may be required to affirm the rights of ASSIGNEE in and to said invention, all without further consideration. ASSIGNEE also agrees, without further consideration and at ASSIGNEE'S expense, to identify and communicate to ASSIGNEE at ASSIGNEE's request documents and information concerning the invention that are within ASSIGNEE'S possession or control, and to provide further assurances and testimony on behalf of ASSIGNEE that lawfully may be required of ASSIGNEE in respect of the prosecution, maintenance and defense of any patent application or patent encompassed within the terms of this instrument. ASSIGNEE'S obligations under this instrument shall extend to ASSIGNEE'S heirs, executors, administrators and other legal representatives.

ASSIGNEE hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all Letters Patent referred to above to ASSIGNEE, as the ASSIGNEE of the entire right, title and interest in and to the same, for ASSIGNEE'S sole use and behoof; and for the use and behoof of ASSIGNEE'S legal representatives and successors, to the full end of the term for which such Letters Patent may be granted, as fully and entirely as the same would have been held by ASSIGNEE had this assignment and sale not been made.

Assignor name and address

James S. CROWE
c/o Glaxo Wellcome plc, Gunnels Wood Road,
STEVENAGE, Herts. SG1 2NY United Kingdom

28th November 1997

Date

Glaxo Wellcome plc, Stevenage UK.
Where signed

Signature

James S. Crowe



RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PRODUCTION OF ANTIBODIES

the specification of which (check applicable box(s)):

| | | |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------------------|
| <input type="checkbox"/> is attached hereto | as U.S. Application Serial No. <u>08/378,939</u> | (Atty Dkt. No. <u>1430-93</u>) |
| <input checked="" type="checkbox"/> was filed on <u>January 26, 1995</u> | on <u>14 July 1992</u> | |
| <input checked="" type="checkbox"/> was filed as PCT International application No. <u>PCT/GB92/01282</u> | | |

and (if applicable to U.S. or PCT application) was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

| Application Number | Country | Day/Month/Year Filed |
|--------------------|----------------|----------------------|
| 91 152 84.3 | United Kingdom | 15 July 1991 |
| 91 165 94.4 | United Kingdom | 01 August 1994 |
| 92 062 84.3 | United Kingdom | 23 March 1992 |

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

| Application Number | Date/Month/Year Filed |
|--------------------|-----------------------|
|--------------------|-----------------------|

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

Prior U.S./PCT Application(s):

| Application Serial No. | Day/Month/Year Filed | Status: patented pending, abandoned |
|------------------------|----------------------|-------------------------------------|
| PCT/GB92/01282 | 14 July 1992 | |
| 07/952,640 | 01 December 1992 | abandoned |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Paul J. Henon, 33625; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Thomas E. Byrne, 32205; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; William J. Griffin, 31260; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776.*

| | | | | |
|----|-----------------------------------------------------------------------------------------------------------|--------------------------------|--------------------|---------------------------------|
| 1. | Inventor's Signature: <u>James</u> | S. <u>James</u> | Crowe <u>James</u> | Date: <u>28th November 1997</u> |
| | Inventor: James (first) | MI | (last) | British (citizenship) |
| | Residence: (city) <u>c/o Glaxo Wellcome plc, Gunnels Wood Road, Stevenage, Hertfordshire, SG1 2NY, GB</u> | (state/country) <u>England</u> | | |
| | Post Office Address: <u>(formerly of Langley Court, Beckenham, Kent, GB)</u> | | | |
| 2. | Inventor's Signature: <u>Alan</u> | P. <u>Alan</u> | Lewis <u>Alan</u> | Date: <u>26th November 1997</u> |
| | Inventor: Alan (first) | MI | (last) | British (citizenship) |
| | Residence: (city) <u>c/o Glaxo Wellcome plc, Gunnels Wood Road, Stevenage, Hertfordshire, SG1 2NY, GB</u> | (state/country) <u>England</u> | | |
| | Post Office Address: <u>(formerly of Langley Court, Beckenham, Kent, GB)</u> | | | |

FOR ADDITIONAL INVENTORS, check box and attach sheet with same information and signature and date for each.